

**Notice of Allowability**

Application No.

10/776,019

Examiner

Kiran B. Patel

Applicant(s)

RUSU, WILLIAM

Art Unit

3612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/7/05.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>9/7/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                             | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

**Examiner's Amendment and**  
**Examiner's Statement of Reasons for Allowance**  
*Allowance (9/25/05)*

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Mr. Benefiel.

2. The application has been amended as follows:

The claims are amended to read follows:

1. (Currently Amended) A hard tonneau cover for the cargo box of a pick-up truck comprising:

a framework configured to be fit to said cargo box;

a mounting system attaching said framework to said cargo box;

[[a]] at least one lightweight, stiff but resiliently bendable panel

overlying an opening in said framework to cover the same; said panel having a

perimeter extending over a series of perimeter rails included in said framework

defining at least in part said opening;

a series of trim strips attached to and overlying said perimeter rails, said trim strips each having a portion extending over said [[a]] perimeter of said panel to retain the same on said framework perimeter rails, said framework and said trim strips confining said panel in position over said opening in said framework.

2. (Original) The assembly according to claim 1 wherein said perimeter rails comprise aluminum extrusions.

3. (Currently Amended) The assembly according to claim 1 wherein each of said perimeter rails includes a slot mating with a lengthwise feature on an associated respective one of said trim strips.

4. (Original) The assembly according to claim 1 wherein said perimeter rails are each formed with a ledge surface on which an associated panel edge rests with an endwise clearance freely allowing thermal expansion of said panel.

5. (Currently Amended) The assembly according to claim 4 wherein said trim strips press against an upper surface of said perimeter edge of one or more panels to retain the same in position against said perimeter rail surfaces.

6. (Original) The assembly according to claim 1 wherein said one or more panels are comprised of corrugated plastic having additional strengthening layers bonded to each opposite face.

7. (Original) The assembly according to claim 6 wherein a color integrated film is disposed over an outer exposed side of said panel.

8. (Original) The assembly according to claim 7 wherein said film layer loosely lies atop said exposed side of said panel.

9. (Original) The assembly according to claim 1 wherein said mounting system includes a plurality of hinge and striker-latch assemblies each including components thereof mounted to said cargo box by a bracket clamped to a

side wall lip of said cargo box and also including mating components mounted to said cover framework.

10. (Original) The assembly according to claim 9 wherein said framework is supported spaced above said cargo box walls and holds a peripheral seal extending down from said framework perimeter rails engaged with a top surface of said cargo box walls.

11. (Original) The assembly according to claim 10 wherein said peripheral seal is shaped with a vertical series of hollow pleats providing easy compressibility.

12. (Original) The assembly according to claim 11 wherein a bottom end of said peripheral seal is formed with spaced apart contact surfaces to minimize trapping of dirt.

13. (Original) The assembly according to claim 10 wherein a bottom slot is formed along said perimeter rails and said seal includes an enlarged upper end slid into said slot to be retained therein.

14. (Original) The assembly according to claim 1 wherein said framework includes at least one crossing rail attached at either end to a respective perimeter rail.

15. (Original) The assembly according to claim 14 wherein said perimeter rails includes one or more tee slots, and wherein crossing rail also includes one or more tee slots, and connection pieces interconnect said crossing rail to said perimeter rails utilizing components received in a tee slot of said crossing and perimeter rails.

16. (Original) The assembly according to claim 15 wherein said connection hardware includes a connector plate having a tee feature receive in a tee slot of one of said perimeter or crossing rail and bolts having heads captured in a tee slot of another of said crossing or perimeter rail.

17. (Original) The assembly according to claim 16 further including strut rails extending from a crossing rail to a perimeter rail and connected at either end thereto.

18. (Currently Amended) The assembly according to claim ~~[[19]]~~ 10 wherein said perimeter rails are each formed with lengthwise drainage channels receiving water on said one or more panels leaking past said trim strips, said channels leading to a corner of said framework, a corner piece connecting each adjacent end of two meeting perimeter rails, said corner piece receiving water from said channels and directing water out beyond said peripheral seal.

19. (Original) The assembly according to claim 1 wherein each perimeter rail includes a ledge surface on which a panel perimeter rests and further including an outer surface downwardly curved, said trim strips conforming to said outer curved rail surface.

20. (Original) The assembly according to claim 19 wherein said perimeter rails outer surface has one or more lengthwise slots therein receiving a protruding lengthwise extending portion of a trim strip to be mounted thereto.

21. (Original) The assembly according to claim 20 wherein two overlapped trim strips extend along each perimeter rail, each slidably received in a respective groove in an associated perimeter rail.

22. (Original) The assembly according to claim 1 wherein said cover includes a plurality of separate sections including a rear section and a center section, said rear section hinged to said center section, said center section fixed to said cargo box by said mounting system.

23. (Original) The assembly according to claim 22 wherein said framework includes a rear framework section comprised of a rear perimeter rail extending over a rear tailgate of said cargo box and two side perimeter rails each connected at one end to a respective end of said rear perimeter rail, each side perimeter rail extending partially along opposite side walls of said cargo box, and a



crossing rail connected at opposite ends to an end of each side perimeter rail opposite said end connected to said rear perimeter end to form a rectangular framework section, a rear section panel overlying said rear framework section.

24. (Original) The assembly according to claim 23 wherein said center section comprises a center crossing rail fixed at either end to said cargo box by a pair of clamping brackets each end clamped to a respective side wall of said cargo box, and a center panel overlying said center crossing rail.

25. (Original) The assembly according to claim 24 wherein said crossing rail of said rear framework section comprises an extruded shape formed with a series of lengthwise slots and mounting a pair of hinge components by elements received in one or more of said slots.

26. (Original) The assembly according to claim 22 further including a forward section including a forward framework section comprised of a forward perimeter rail overlying a forward wall of said cargo box and a pair of side perimeter rails overlying a portion of said cargo box side walls each connected at

one end to a respective end of said forward perimeter rail, and a rear crossing rail connected at opposite ends to an end of a respective side perimeter rail opposite an end connected to said forward perimeter rail, and a forward section panel mounted over said forward section framework.

27. (Original) The assembly according to claim 26 wherein said forward section is supported above said cargo box by a pair of latch-striker assemblies on one side thereof and a pair of hinges on the other side thereof, included in said mounting system.

28. (Original) The assembly according to claim 26 wherein said rear and forward sections spaced from said center section and a gutter trim piece interposed therebetween each extending to each cargo box side wall to carry water over said cargo box side walls.

29. (Currently Amended) The assembly according to claim 9 wherein each of said striker latch assemblies includes a striker ~~components~~ component

including a bracket clamped to a cargo box side wall, a pin held in spaced bracket ears, and a tube revolvable on said pin.

30. (Original) The assembly according to claim 29 wherein said pin is a quick removal pin able to be readily removed from said bracket.

31. (Original) The assembly according to claim 29 further including a pair of guide washers on said pin and tube and a series of spacer washers on each end of said pin and tube locating said guide washers axially thereon.

32. (Original) The assembly according to claim 9 wherein said mounting system brackets comprises an outer angle piece having a horizontal leg overlying the top of said cargo box side wall and a vertical leg extending outside an inner lip of said cargo box side wall, and an inner angle piece secured thereto with a horizontal leg extending beneath said cargo box side wall top and a vertical leg extending inside of said cargo side wall inner lip, said vertical legs drawn together by threaded fasteners to be clamped to said lip.


33. (Original) The assembly according to claim 32 further including a series of spacers interposed between said vertical legs of said inner and outer angle pieces.

Cancel claims 34-42.

3. The following is an Examiner's statement of reasons for allowance:  
The primary reason for the allowance of the claims in this case, is the inclusion of the limitation "a framework configured to be fit to said cargo box; a mounting system attaching said framework to said cargo box; at least one lightweight, stiff but resiliently bendable panel overlying an opening in said framework to cover the same; said panel having a perimeter extending over a series of perimeter rails included in said framework defining at least in part said opening; a series of trim strips attached to and overlying said perimeter rails, said trim strips each having a portion extending over said perimeter of said panel to retain the same on said framework perimeter rails, said framework and said trim strips confining said panel in position over said opening in said framework" in the independent claim, in combination with the other recited limitations in claims supported by this application, which are not found in the prior art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

  
Kiran B. Patel, P. E.  
Primary Examiner  
Art Unit 3612  
September 25, 2005